



Docket No.: G0365.0351/P351  
(PATENT)

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re Patent Application of:  
Soren L. Jensen, et al.

Application No.: 10/026,491

Filed: December 24, 2001

Art Unit: 1755

For: MAN-MADE VITREOUS FIBRES

Examiner: K. Group

**INFORMATION DISCLOSURE STATEMENT (IDS)**

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Dear Sir:

Pursuant to 37 CFR 1.56, the attention of the Patent and Trademark Office is hereby directed to the references listed on the attached PTO/SB/08. It is respectfully requested that the information be expressly considered during the prosecution of this application, and that the references be made of record therein and appear among the "References Cited" on any patent to issue therefrom.

**Timing of Filing of the Information Disclosure Statement:**

- ☐ This IDS is being filed before the First Office Action<sup>1</sup>.
- ☒ This IDS is being filed after the issuance of the First Office Action but before the issuance of a Final Office Action<sup>2</sup>.

<sup>1</sup> The IDS should, where possible, include a certification under 37 C.F.R. §1.97(e).

<sup>2</sup> The IDS *must* include *either* a certification under 37 C.F.R. §1.97(e) *or* the fee set forth in 37 C.F.R. §1.17(p).

- ☐ This IDS is being filed after the issuance of a Final Office Action but before the payment of the Final Fee<sup>3</sup>.

**Certifications:**

If checked, the undersigned makes the following statement(s):

- ☐ Statement under 37 CFR § 1.97(e):

Each item of information contained in this information disclosure statement was first cited in any communication from a foreign patent office in a counterpart foreign application not more than three months prior to the filing of this information disclosure statement; or

No item of information contained in this information disclosure statement was cited in a communication from a foreign patent office in a counterpart foreign application, and, to the knowledge of the undersigned after making reasonable inquiry, no item of information contained in this information disclosure statement was known to any individual designated in § 1.56(c) more than three months prior to the filing of the information disclosure statement.

- ☐ Statement Under 37 C.F.R. § 1.704(d):

Each item of information contained in this information disclosure statement was cited in a communication from a foreign patent office in a counterpart application and this communication was not received by any individual designated in §1.56(c) more than thirty days prior to the filing of this information disclosure statement.

**Fee Required by 37 C.F.R. § 1.97(c)(2) or 1.97(d)(2):**

- ☒ If checked, the fee of \$180.00 set forth in 37 C.F.R. §1.17(p) is attached.

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<sup>3</sup> The IDS *must* include *both* a certification under 37 C.F.R. §1.97(e) *and* the fee set forth in 37 C.F.R. §1.17(p).

**Copies of Information:**

In accordance with 37 C.F.R. §1.98(a), the following are enclosed:

- ☒ A legible copy<sup>4</sup> of each document (or relevant portion thereof) is cited in the attached PTO/SB/08.
- ☒ With respect to any information which is not in English, a concise explanation of the relevance, as it is presently understood by the individual designated in § 1.56(c) most knowledgeable about the content of the information, is attached. This concise explanation is provided by way of:
  - ☐ A translation of the relevant portions of the non-English language information<sup>5</sup>;
  - ☒ A statement explaining the relevant portions of the non-English language information;
  - ☐ A copy [and, where not in the English language, a translation] of at least the relevant portion(s)<sup>6</sup> of the communication from a foreign patent office in a counterpart foreign application in which the information was cited; or
  - ☐ This information is contained in the specification of the present application.

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<sup>4</sup> A legible copy of the document is not required if (1) the information was previously cited by, or submitted to, the Office and considered by the Office in a prior U.S. application to which this application claims priority, provided that the prior application is properly identified in this IDS, and (2) the IDS submitted in the earlier application complies with 37 C.F.R. § 1.98(a) – (c). This exception does not apply to information cited in an International Application.

<sup>5</sup> 37 C.F.R. §1.98(a)(3)(ii) *requires* that an English language translation be provided when a translation of the document, or portion thereof, “is within the possession, custody or control of, or is readily available to any individual designated in 37 C.F.R. § 1.56(c).”

<sup>6</sup> The relevant portion is that portion which indicates the degree of relevance found by the foreign patent office. This may be an explanation of which portion of the of the reference is particularly relevant, to which claims it applies, or merely an “X”, “Y”, or “A” indication on a search report. MPEP §609 III A(3).

☐ In accordance with 37 C.F.R. 1.98(d), copies of the cited documents are not enclosed as they were provided in application Serial No. \_\_\_\_\_, filed \_\_\_\_\_, which the present application relies upon for an earlier effective filing date under 35 U.S.C. 120.

**Materiality:**

Whether or not the information and references disclosed in this Information Disclosure Statement is "material" pursuant to 37 CFR 1.56, this submission is not intended to constitute an admission that any patent, publication or other information referred to therein is "prior art" for this invention unless specifically designated as such.

In accordance with 37 CFR 1.97(g), the filing of this Information Disclosure Statement shall not be construed to mean that a search has been made or that no other material information as defined in 37 CFR 1.56(a) exists.

It is submitted that the Information Disclosure Statement is in compliance with 37 CFR 1.98 and the Examiner is respectfully requested to consider the listed references.

In the event the actual fee is inadvertently not enclosed or if any additional fee during the prosecution of this application is not paid, the Patent Office is authorized to charge the underpayment to Deposit Account No. 50-2215.

Dated: November 7, 2003

Respectfully submitted,

By 

Edward A. Meilman

Registration No.: 24,735

DICKSTEIN SHAPIRO MORIN &  
OSHINSKY LLP

1177 Avenue of the Americas, 41<sup>st</sup> Floor  
New York, NY 10036-2714  
(212) 835-1400

## STATEMENT OF RELEVANCY

For the non-English documents for which a translation is not available and provided, the relevancy appears to be:

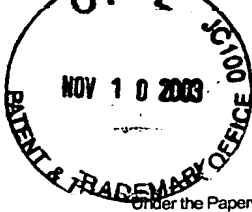
FR 902563 (C23) – the list of analyses at lines 41 to 47, right-hand column of page 1.

SU 1031930A (C40) - the list of analyses

SU 391072 (C46) – the list of analyses

Butezeichen-Vorteille Publication (C37) – the technical substance of this German regulation as it existed in September 2000 is explained in detail in paragraphs 9, 10 and 11 of A39.

DIN standard (C45) – corroboration of assertions made in paragraphs 58 to 60 of A43.



Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it contains a valid OMB control number.

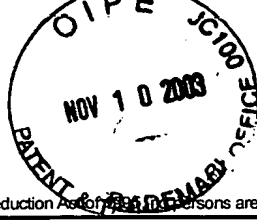
|  |   |    |   |                          |                   |
|--|---|----|---|--------------------------|-------------------|
| Substitute for form 1449A/B/PTO<br><br><b>INFORMATION DISCLOSURE<br/>STATEMENT BY APPLICANT</b><br><br>(Use as many sheets as necessary) |   |    |   | <b>Complete if Known</b> |                   |
|  |   |    |   | Application Number       | 10/026,491        |
|  |   |    |   | Filing Date              | December 24, 2001 |
|  |   |    |   | First Named Inventor     | Soren L. Jensen   |
|  |   |    |   | Art Unit                 | 1755              |
|  |   |    |   | Examiner Name            | K. Group          |
| Sheet  | 1 | of | 2 | Attorney Docket Number   | G0365.0351/P351   |

| U.S. PATENT DOCUMENTS |                       |   |                                |  |   |
|-----------------------|-----------------------|---|--------------------------------|--|---|
| Examiner Initials*    | Cite No. <sup>1</sup> | Document Number<br>Number-Kind Code <sup>2</sup> (if known) | Publication Date<br>MM-DD-YYYY | Name of Patentee or<br>Applicant of Cited Document | Pages, Columns, Lines, Where<br>Relevant Passages or Relevant<br>Figures Appear |
|                       | C47                   | US-1,907,868  | 05-09-1933                     | Powell   |   |

| FOREIGN PATENT DOCUMENTS |                       |  |                                |  |   |                |
|--------------------------|-----------------------|--|--------------------------------|--|---|----------------|
| Examiner Initials*       | Cite No. <sup>1</sup> | Foreign Patent Document<br>Country Code <sup>3</sup> -Number <sup>4</sup> -Kind Code <sup>5</sup> (if known) | Publication Date<br>MM-DD-YYYY | Name of Patentee or<br>Applicant of Cited Document | Pages, Columns, Lines,<br>Where Relevant Passages<br>or Relevant Figures Appear | T <sup>6</sup> |
|                          | C27                   | WO 99/09270  | 02-25-1999                     | Rockwool International                             |   |                |
|                          | C40                   | SU 1031930 A   | 07-30-1983                     |  |   |                |
|                          | C42                   | WO 97/22563  | 06-26-1997                     | Rockwool International                             |   |                |
|                          | C23                   | FR 902563  | 09-04-45                       | Portlandzementwerk                                 |   |                |
|                          | C46                   | SU 391072  | 08-25-73                       |  |   |                |

\*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant. <sup>1</sup> Applicant's unique citation designation number (optional). <sup>2</sup> See Kinds Codes of USPTO Patent Documents at [www.uspto.gov](http://www.uspto.gov) or MPEP 901.04. <sup>3</sup> Enter Office that issued the document, by the two-letter code (WIPO Standard ST.3). <sup>4</sup> For Japanese patent documents, the indication of the year of the reign of the Emperor must precede the serial number of the patent document. <sup>5</sup> Kind of document by the appropriate symbols as indicated on the document under WIPO Standard ST.16 if possible. <sup>6</sup> Applicant is to place a check mark here if English language Translation is attached.

| NON PATENT LITERATURE DOCUMENTS |                       |   |                |
|---------------------------------|-----------------------|---|----------------|
| Examiner Initials               | Cite No. <sup>1</sup> | Include name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.), date, page(s), volume-issue number(s), publisher, city and/or country where published. | T <sup>2</sup> |
|                                 | C20a                  | Coversheet for the international conference "Biopersistence of Respirable Synthetic Fibres and Minerals" held September 7-9, 1992 in Lyon, France   |                |
|                                 | C20b                  | Dr. Michael Perander Affidavit attesting to the correspondence in binder  |                |
|                                 | C24a                  | Report to Osterreichische Heraklith GmbH, Austria from Dr. Sundberg and Mr. L.G. Johansson dated March 29, 2002 regarding the Calculation of Viscosity  |                |
|                                 | C26a                  | Calculations from Table extracted from the journal Glasteknisk tidskrift 1981 from L.G. Johansson dated March 16, 2001  |                |
|                                 | C28                   | BOTTINGA, ET AL., "The Viscosity of Magmatic Silicate Liquids: A Model for Calculation," American Journal of Science, May 1972, pp. 438-473, Vol. 272   |                |
|                                 | C29b                  | J.S. MACHIN, ET AL., "Viscosity Studies of System CaO-MgO-Al <sub>2</sub> O <sub>3</sub> -SiO <sub>2</sub> : I, 40% SiO <sub>2</sub> ", Journal of The American Ceramic Society, No. 11, pp. 310-316, Vol. 28   |                |
|                                 | C36                   | ROBERT H. DOREMUS, 'Glass Science," John Wiley & Sons, NY, 1973, p. 247   |                |
|                                 | C37                   | Publication - Gutezeichen-Vorteile fur Hersteller under Verbraucher dated September 2000  |                |
|                                 | C38                   | Report dated June 1-5, 1987 - Mineral Fibers with Improved Thermal Durability - English translation indicated as C381(2)  | X              |
|                                 | C38c                  | Table labeled recalculation, 2 pages  |                |
|                                 | C38d                  | Letter dated June 2, 2001 from Prof. Dr. D. Suvorov to Dr. M. Jarvinen regarding Additional explanation   | X              |
|                                 | C39                   | VERMUND CHRISTENSEN, ET AL., "In-Vitro Dissolution Rates of Compositions Within the TIMA Nomenclature Definition of Slag Wool", April 1994  |                |
|                                 | C39a                  | Declaration of Dr. Kirsi Luoto, University of Kuopio, Kuopio, Finland dated May 30, 2003 attached to March 4, 1004 letter from Alan R. Koenig (w/ an agenda for the Second NAIMA Fiber Science Workshop held in St. Petersburg on April 1994)                   |                |



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|   |   |    |   | Art Unit                 | 1755              |
|   |   |    |   | Examiner Name            | K. Group          |
| Sheet   | 2 | of | 2 | Attorney Docket Number   | G0365.0351/P351   |

|  |      |  |   |
|--|------|--|---|
|  | C43  | TORBEN KNUDSEN, ET AL. "New type of stonewool (HT fibres) with a high dissolution rate at pH = 4.5," Glastech Ber. Glass Sci. Technol. 69 (1996), pp. 331-337, No. 10  |   |
|  | C44  | T. SCHNEIDER, ET AL., "Man-Made Mineral Fibre Size Distributions Utilizing Unbiased and Fibre Length Biased Counted Methods and the Bivariate Log-Normal Distribution," J. Aerosol Sci., pp. 139-146, 1983, Vol. 14, No. 2 |   |
|  | C45  | DIN standard   |   |
|  | C48  | Glass Research Institute Report dated October 18, 1985   | x |
|  | C48a | Letter from Stellan Persson dated July 14, 2003 Concerning Glafo Report No. 5466/PR333:D   |   |
|  | C51  | R.W. LEMAITRE, "The Chemical Variability of some Common Igneous Rocks," Journal of Petrology, 1976, pp. 589-637, Vol. 17   |   |
|  | C52  | Letter dated January 15, 2003  |   |
|  | A39  | History of HT Fibres – Document A39 (10 pages)   |   |
|  | A43  | Rockwool International A/S Opposition to EP 790,962 and 791,087 and Divisionals of These (18 pages)  |   |
|  |      |  |   |

\*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.

<sup>1</sup>Applicant's unique citation designation number (optional). <sup>2</sup>Applicant is to place a check mark here if English language Translation is attached.